

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD CRAIG KESSACK,)	
)	
Petitioner,)	
)	CASE NO. C05-1828Z
v.)	(CR89-272Z)
)	
UNITED STATES OF AMERICA,)	ORDER OF REFERENCE
)	(Petition for Writ of Error
Defendant.)	Audita Querela)
)	

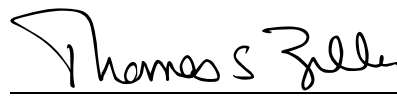
On October 31, 2005 petitioner filed a Petition for Writ of Error Audita Querela.

Petitioner explicitly stated that this petition is not to be construed as a motion pursuant to 28 U.S.C. § 2255. The Court concludes that this action should be treated within the context of his criminal case. *See United States v. Valdez-Pacheco*, 237 F.3d 1077 (9th Cir. 2001). For administrative purposes only, this action has been assigned a civil case number.

The Clerk shall REFER this matter to the Honorable Monica J. Benton United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72.

The Clerk shall direct a copy of this Order to petitioner, and to all counsel of record.

DATED this 21st day of November, 2005.


Thomas S. Zilly
United States District Judge